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PROJECT NO. 51841

REVIEW OF 16 TAC § 25.53 RELATING TO ELECTRICAL SERVICE EMERGENCY OPERATIONS PLANS § PUBLIC UTILITY COMMISSION OF TEXAS

ENTERGY TEXAS, INC.’S INITIAL COMMENTS

Entergy Texas, Inc. (“ETI” or the “Company”) appreciates the opportunity to submit these comments regarding the Public Utility Commission of Texas’s (“Commission”) proposal for publication of a new Rule 25.53 relating to Electric Service Emergency Operations Plans (“Rule”). Pursuant to the direction from the Commission in the proposal for publication, ETI has included a standalone executive summary at the end of this filing.

I. COMMENTS

ETI fully supports the Joint Initial Comments of the AEP Companies (“AEP Companies’ Comments”) filed in this proceeding to the extent those comments apply to non-Electric Reliability Council of Texas (“ERCOT”) utilities.

Like the AEP Companies, ETI has and adheres to a comprehensive set of emergency plans and procedures that, together, comprise its “Emergency Operations Plan” (“EOP”). These plans and procedures have been developed over time based on many factors, including the collective operating experiences of ETI and its affiliated operating companies. ETI requests that the terms of new Rule 25.53 reflect this practical consideration and avoid the creation of a parallel plan in a different format intended to serve the same purposes. Such an outcome would consume considerable resources and risk potential confusion. Pursuant to Texas Utilities Code § 186.007(b), “The [C]ommission shall require an entity subject to this section to file an updated emergency operations plan if it finds that an [EOP] on file does not contain adequate information to determine whether the entity can provide adequate electric services.” ETI submits that any necessary updates can be required and accomplished without the requirement that all utilities develop a single EOP document in a new format.

ETI is also concerned that the proposed Rule as currently drafted presents a security risk by requiring entities to submit unredacted emergency plans and procedures documents to a state agency subject to open records requests pursuant to the Texas Public Information Act (“TPIA”). While there is a process to assert and defend that sensitive material is exempt from disclosure in

response to a TPIA request, that process can consume significant resources and require action on short notice. ETI submits entities should not be in a position of needing to defend an exemption from disclosure for EOP-related sensitive information, the public disclosure of which could result in harm to customers.

In addition to the AEP Companies' Comments applicable to non-ERCOT utilities, ETI has the following additional comments on the proposed Rule:

Use of the term "incident"

The term "incident" is used throughout the proposed Rule language without definition. The proposed definition of the term "Emergency" in the Rule includes the use of the term "incident." ETI requests that the Commission replace the use of the term "incident" with the defined term "Emergency," as that term is proposed to be defined in the AEP Companies' Comments, where applicable.

Subsection (d)(3)

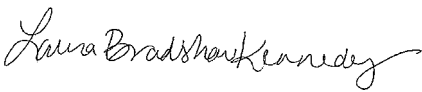
Subsection (d)(3) would require an entity to provide a list of emergency contacts for the entity, including identification of single points of contact during an emergency. ETI supports this aspect of the Rule, but requests that entities be permitted to provide the contact information in a redacted format for public filing on the interchange, with the unredacted version being provided to the Commission as confidential. If this information were provided publicly, ETI is concerned that the individual(s) who are listed as emergency contacts for the Commission and its Staff pursuant to the requirement in proposed subsection (d)(3) would be contacted directly by the public during a time when that person is working to address the circumstances of an extreme weather event. In addition, providing such contact information to the public may result in making such individuals targets of cyber threats. The individual(s) who would be listed pursuant to proposed subsection (d)(3) are likely not the same individual(s) who are tasked with outreach and responses to the public and media.

II. CONCLUSION

ETI appreciates the opportunity to comment on this important rulemaking that will address the Legislature's revision to Tex. Util. Code § 186.007. ETI requests that the Commission consider revisions to the Rule as set forth in the AEP Companies' Comments and above that account for the practical realities of the way in which entities' EOPs are organized, the practical effects of the requirements and the burden on the entities that must comply with the Rule, and of utmost

importance in this instance, the security risks associated with requiring the submission of full emergency plans and procedures documents containing sensitive EOP-related information to a state agency subject to open records requests.

Laura Bradshaw Kennedy
Senior Counsel
George G. Hoyt
Assistant General Counsel
ENTERGY SERVICES, LLC
919 Congress Avenue, Suite 701
Austin, Texas 78701
(512) 487-3961 telephone
(512) 487-3958 facsimile
lkenn95@entergy.com
ghoyt90@entergy.com

By: 

Laura Bradshaw Kennedy
State Bar No. 24041234

ATTORNEYS FOR ENTERGY TEXAS, INC.

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TO ELECTRICAL SERVICE	§	
EMERGENCY OPERATIONS PLANS	§	OF TEXAS

ETI's Initial Comments – Executive Summary

- ETI fully supports the AEP Companies' Comments submitted in this rulemaking project to the extent they apply to non-ERCOT utilities.
- The term "incident" is used throughout the proposed Rule language without definition. The proposed definition of the term "Emergency" in the Rule includes the use of the term "incident." ETI requests that the Commission replace the use of the term "incident" with the term "Emergency," as that term is proposed to be defined in the AEP Companies' Comments, where applicable.
- ETI requests that the emergency contact information required under subsection (d)(3) be provided to the Commission as confidential information.